

Attorney Docket No. 57761.000031
GE Docket No. 11RC-4940
Application Serial No. 09/605,010

REMARKS

The Office Action mailed June 20, 2005 has been received and its contents carefully considered. Claims 1-22 remain pending in the present application. For the reasons set forth below, the claims are believed to be allowable over the art of record. Reconsideration of this application is respectfully requested.

A. The Rejection under 35 U.S.C. §103

In the Office Action, claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda et al. (Maeda) (U.S. Patent No. 6,571,153) and Ette et al. (Ette) (German Patent No. 19722898). The assertions set out in the rejection are respectfully traversed.

Claim 1 recites a protective relay for providing protective control to a power system, comprising a microprocessor for implementing a data flow in a communications server in the protective relay; first and second connections to a communications network and the power system, respectively; the communications server configured to receive relay configuration commands from a remote computer over the communications network in a network format, and to provide power system data and relay status data to the remote computer over the communications network in the network format.

The Office Action sets forth various asserted teachings of Maeda. Further, the Office Action asserts that Maeda does not explicitly teach that the communications server receives relay configuration commands in a network format; but that, for example Maeda discloses that the communications server receives a program module containing the relay configuration commands; and that the relay configuration commands are embedded into the program module 7

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and sent to the protective apparatus from the remote computer (col. 17, lines 37-63; col. 31, lines 34-43).

The Office Action attempts to cure the asserted deficiencies of Maeda with the teachings of Ette. The Office Action asserts that Ette teaches a system for controlling a remote located protective relay by transmitting commands, data, or modified parameters to the protective relay over a communication network (Internet) in network format (translation, p. 2, last paragraph), as referenced in the Office Action.

The Office Action concludes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Maeda to send relay configuration commands to each protective relay separately over the communication network (Internet) in network format as taught by Ette because they both teach the controlling of the power of the device over network. In further support of the proposed combination, the Office Action asserts the modification would simplify the process to control the remote located protective relays.

Reconsideration of the rejection and combination of art is requested. Applicant respectfully submits that the proposed combination of Maeda and Ette is deficient on various grounds.

Applicant submits that the proposed combination would go against the core teachings of Maeda. To explain, Maeda is directed to an electric power system protective control system. In the Abstract, Maeda teaches a plurality of protective control apparatuses each having a protective control function to an electric power system are distributed and connected through a

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communication network to each other so that data communication is permitted among the respective protective control apparatuses. Maeda further teaches that each of the protective control apparatuses is carried out a process of executing a control operation related to the protective control function of the own apparatus according to a program module. The program module *migrates* through the communication network to the own apparatus along a predetermined route of migration. Maeda further describes that each of the protective control apparatuses *executes* a process of migrating the program module from the own apparatus to another protective control apparatus.

In column 11, lines 41-49, Maeda teaches an electric power system protective control system 1 comprises digital protective control apparatuses (protective control terminals (clients)) 2a1 to 2a3 which are respectively arranged in a plurality of electric stations (substations or the like) Ts1 to Ts_n for protecting and controlling an electric power system P having various types of electric power system equipment devices.

In column 11, line 57 - column 12, line 7, Maeda further teaches the protective control system 1 also has supervision apparatuses (supervision servers) 4, 4 which are provided in a manned load dispatching station T_p positioned far from the substations Ts1 to Ts3 and which supervise the plurality of digital protective control apparatuses 2a1 to 2a3. Then, these substations Ts1 to Ts3 (digital protective control apparatuses 2a1 to 2a3), display/operation apparatuses 3, 3, and supervision apparatuses 4, 4 are mutually connected to each other through a communication network 6 so that data communication is permitted among the components 2a1 to 2a3, 3 and 4. Maeda describes that furthermore, a mobile program module (agent type

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program module) 7 is made to cyclically go (migrate) in the display/operation apparatus 3, 3, the respective digital protective control apparatuses 2a1 to 2a3 and the supervision apparatuses 4, 4 through the communication network 6 such as a telephone line network, an internet and so on so that the protective control system 1 is constructed.

Accordingly, Applicant submits that Maeda describes a relatively complex arrangement to provide a protective control system. The teachings of Ette are in sharp contrast to Maeda.

Ette is directed to remote-controlled monitoring of an electronic circuit breaker. The Office Action refers to the translation of Ette (page 2, last paragraph). Therein, Ette teaches the use of data transmission via an Internet connection according to the TCP/IP protocol series enables, for example, the manufacturer of a power switch to test a power switch located at any location on the earth on demand by querying its electronic circuit breaker and if necessary, to (transmit commands, data, or modified parameters to this power switch. Ette goes on to describe despite the worldwide access to the properties of the circuit breakers of power switches enabled in this way, care must be taken that there are no dangerous or unauthorized accesses.

Ette teaches that in the simplest case, this can be realized by providing the circuit breaker with a switch, which enables or disables the changing of trigger parameters by means of data transmission via the interface. In this way, the access by the manufacturer can be arranged with the operator of the power switch within a tight time frame and thus unauthorized access is then ruled out. Incidentally, Ette teaches encryption algorithms, passwords, or similar security features could be used, like those also used, for example, for banking on the Internet.

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Accordingly, Ette is directed to monitoring of a circuit breaker. In contrast, Maeda talks to electric substations (see column 11, line 45), for example. Based on the fundamentally different subject matter of Maeda vis-à-vis Ette, it would not have been obvious to the one of ordinary skill to modify Maeda with Ette, as proposed in the Office Action.

Further, Applicant submits that the proposed modification of Maeda with Ette (so as to allegedly teach the claimed invention) flies in the face of the fundamental teachings of Maeda. Specifically, in the rejection, the Office Action asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Meada to send relay configuration commands to each protective relay separately over the communication network (Internet) in network format as taught by Ette. However, a teaching core to Maeda is migration of a program module through the communication network to the respective protective control apparatuses (see column 1, line 39; column 3, line 45; and column 12, line 2, for example). In particular, in column 12, lines 1-7, Maeda teaches a mobile program module (agent type program module) 7 is made to cyclically go (*migrate*) in the display/operation apparatus 3, 3, the respective digital protective control apparatuses 2a1 to 2a3 and the supervision apparatuses 4, 4 through the communication network 6 such as a telephone line network, an internet and so on so that the protective control system 1 is constructed. Maeda otherwise discusses such migration extensively throughout Maeda's disclosure.

However, the Office Action proposes to go against such core teaching by asserting that it would have been obvious to the one to modify the teachings of Meada to send relay configuration commands to each protective relay "separately." Such proposed separate

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interfacing would go against a core teaching of Maeda's relating to the described migration. Accordingly, such reasoning as set forth in the Office Action cannot fairly support the proffered rejection.

Further, Applicant submits that the Office Action's characterization of Maeda vis-à-vis the claimed invention, as recited in claim 1, is deficient. The Office Action asserts that Maeda teaches a protective relay (2A1-2A2) for providing protective control to a power system comprising ... first connection to a communication network (protective apparatuses 2A1-2A3 connected to apparatus 4 and the remote computer 3 via network 6 or Ethernet LAN 39) [Fig. 2, col. 11, lines 62-67] and second connection to the power system (protective apparatuses 2A1-2A3 connected to the power system P) [Fig. 2; col. 12, lines 26]. Claim 1 recites first and second connections to a communications network and the power system, respectively. However, the Office Action appears to rely on one and the same element of Maeda to teach such first and second connections, i.e., Maeda's protective control terminals (clients) 2a1 to 2a3. Accordingly, Applicant submits that the rejection is deficient in that the same feature of Maeda is used in the rejection to allegedly teach two respective features in the claimed invention, as recited in claim 1.

For at least the reasons set forth above, Applicant submits that claim 1 defines patentable subject matter. Further, it is respectfully submitted that claims 14 and 17 recite patentable subject matter for reasons similar to those set forth above with regard to claim 1. The dependent claims recite patentable subject matter based on their dependencies on respective independent claims, as well as for the additional features such dependent claims recite.

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It is respectfully submitted that the claims define patentable subject matter. Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

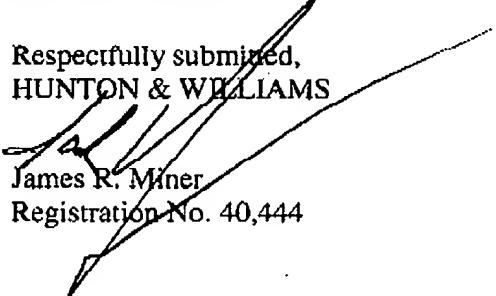
B. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
HUNTON & WILLIAMS


James R. Miner
Registration No. 40,444

Hunton & Williams
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
(202) 955-1500

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